

UNITED STATES DISTRICT COURT  
COMMONWEALTH OF MASSACHUSETTS

\_\_\_\_\_  
TRACEY DESROCHERS, )  
Plaintiff )  
 )  
v. )  
 )  
DENNIS E. PIENDAK, Town Manager, )  
and LEO GAUDETTE, Fire Chief for )  
the TOWN OF DRACUT, on behalf )  
of the TOWN OF DRACUT, )  
Defendants )  
 )  
\_\_\_\_\_  
C.A. No. 04-10806 RWZ

**DEFENDANTS' MOTION TO COMPEL PLAINTIFF TO  
PROVIDE AUTOMATIC REQUIRED DISCLOSURES**

Now come the defendants and hereby move this Honorable Court to compel plaintiff to provide the Automatic Required Disclosures mandated under Rule 26 and Local Rules 26.2 & 35.1, as well as the settlement proposal mandated by Local Rule 16.1(C). As grounds therefore, the defendants state that the Rule 16 scheduling conference in this matter was held on June 17, 2004, plaintiff has yet to provide the above-referenced disclosures that were due prior to the scheduling conference, and plaintiff has failed to respond to defendants' request to confer regarding a discovery dispute pursuant to Local Rule 37.1. In further support of this motion, and pursuant to Local Rule 37.1(B), the defendants submit the accompanying Memorandum of Law, incorporated here by reference.

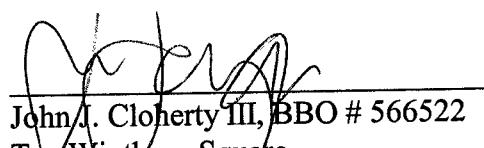
WHEREFORE, the defendants respectfully request that this Court order plaintiff to provide the Automatic Required Disclosures and Settlement Proposal within seven (7) days of this Court's decision, and award the defendants the reasonable attorneys' fees and costs of bringing this motion,

pursuant to Fed. R. Civ. P. 37.

Respectfully Submitted,

The Defendants,  
DENNIS E. PIENDAK, Town Manager and LEO  
GAUDETTE, Fire Chief for the Town of Dracut,  
on behalf of the TOWN OF DRACUT  
By their Attorneys,

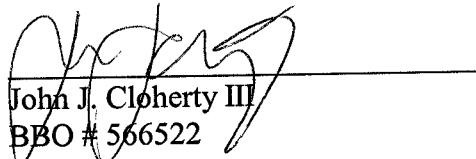
**PIERCE, DAVIS & PERRITANO, LLP**



John J. Cloherty III, BBO # 566522  
Ten Winthrop Square  
Boston, MA 02110  
(617) 350-0950

**Certification of Compliance with Rule 37(a)(2)**

The moving party hereby certifies that counsel has in good faith conferred or attempted to confer with the party failing to make discovery in an effort to secure the information or material without Court action.



John J. Cloherty III  
BBO # 566522

**CERTIFICATE OF SERVICE**

I hereby certify that on this day a true copy of the above document was served upon each attorney of record, or pro se litigant, by mail/by hand.

7/16/04   
Date